WPSS No. 764 of 2007

Hon'ble Alok Singh, J.

Mr. S. S. Yadav, Advocate for the petitioner.

Mr. Syed Nadim, Standing Counsel for the State of Uttarakhand/ respondents nos. 1 to 5.

Undisputedly, petitioner was appointed as Lecturer on 28.11.1991 while respondent no. 6 was appointed on 18.06.1999; petitioner is the senior most Lecturer in the Government Inter College, Landhaura, Narsan, Roorkee, Haridwar; petitioner was given additional charge of officiating Principal of the College, as petitioner was the senior most Lecturer; vide impugned order dated 22.05.2014, additional charge of officiating Principal was directed to be taken from the petitioner and further direction was issued to handover the charge of officiating Principal to respondent no. 6, who is much junior to the petitioner.

It is settled position of law that charge of officiating Principal shall be given to the senior most Lecturer of the College. If there were some complaints against the petitioner, as suggested by Mr. Syed Nadim, Standing Counsel for the State, Department could have initiated departmental proceeding against the petitioner for his removal from the post of Senior Lecturer.

In my opinion, as long as petitioner is in service and is the senior most Lecturer, he is the only eligible person to have charge of officiating Principal till new incumbent joins as Principal or new incumbent joins as senior to the petitioner.

Consequently, writ petition is allowed. Impugned order dated 22.05.2014, so far as it relates to taking over charge from petitioner and handing over the same to respondent no. 6 is concerned, is hereby quashed.

(Alok Singh, J.)
06.10.2015

SKS